

Senate Study Bill 1194

SENATE/HOUSE FILE _____
BY (PROPOSED CITIZENS'
AIDE/OMBUDSMAN BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the creation of critical incident review teams
2 within the department of corrections.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1282DP 81
5 jm/sh/8

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1 1 Section 1. NEW SECTION. 904.406 CRITICAL INCIDENT REVIEW
1 2 TEAM.
1 3 1. The director shall develop procedures for the
1 4 appointment by the director on an ad hoc basis of a critical
1 5 incident review team to immediately review a death or serious
1 6 injury of an inmate of a state correctional institution or to
1 7 review the death or serious injury of a person placed with the
1 8 judicial district department of correction services, if the
1 9 death or injury is not explained by natural causes or a
1 10 previously diagnosed medical condition, including an incident
1 11 of serious self-injury or suicide.
1 12 2. The purposes of a review team shall be to determine
1 13 whether the department or district department responded
1 14 appropriately to the death or incident of serious injury and
1 15 to prevent future deaths or serious injuries similar to the
1 16 death or injury reviewed.
1 17 3. The review team shall include the following members:
1 18 a. The director or the director's designee if the death or
1 19 injury being reviewed occurred at a correctional institution,
1 20 or the director of the judicial district department of
1 21 correctional services or the director's designee if the death
1 22 or injury occurred while under the supervision of the district
1 23 department.
1 24 b. The medical director of the department, or the medical
1 25 director's designee.
1 26 c. The state medical examiner, or the state medical
1 27 examiner's designee.
1 28 d. A mental health professional who is knowledgeable about
1 29 the diagnosis and treatment of the mentally ill.
1 30 e. A licensed professional who is knowledgeable about
1 31 substance abuse.
1 32 f. A law enforcement official.
1 33 g. A county attorney or assistant county attorney.
1 34 h. A representative from the office of the citizens' aide.
1 35 4. Notwithstanding any other provision of the Code to the
2 1 contrary, the review team shall have access to any records of
2 2 a person whose death or serious injury is under review,
2 3 including medical records, investigative reports by any law
2 4 enforcement agency, any report by a county medical examiner or
2 5 the state medical examiner, and any other report or policies
2 6 deemed appropriate by the review team.
2 7 5. The review team's final report relating to the death or
2 8 serious injury of the person shall include but is not limited
2 9 to the following:
2 10 a. All dates concerning treatment services and outcomes,
2 11 any medications the person was taking, forensic testing, use
2 12 of force reports, incident reports, videotapes, cell house
2 13 logs, and any other investigative report involving the person.
2 14 b. Specific findings by the review team concerning the
2 15 death or serious injury.
2 16 c. Recommendations to prevent future deaths and incidents
2 17 of serious self-injury similar to the death or injury being

2 18 reviewed.
2 19 6. The review team may issue a supplemental report to the
2 20 final report detailing the actions, if any, taken by the
2 21 department or district department with respect to the
2 22 recommendations in the final report.
2 23 7. The review team may disseminate any information
2 24 provided to the review team in the final report or
2 25 supplemental report, unless the information is considered
2 26 confidential by any federal or state law. The final report
2 27 and any supplemental report shall be submitted to the governor
2 28 and the general assembly.
2 29 8. The director of the department may publicly release a
2 30 final report or supplemental report subject to the
2 31 confidentiality provisions of section 904.602 or any other
2 32 federal or state law.

2 33 EXPLANATION

2 34 This bill relates to the creation of critical incident
2 35 review teams in the department of corrections.
3 1 The bill provides that a critical incident review team
3 2 shall review deaths or incidents of serious injury that are
3 3 not explained by natural causes or a previously diagnosed
3 4 medical condition, including incidents of serious self-injury
3 5 or suicide, of persons confined in a state correctional
3 6 facility or placed with a judicial district department of
3 7 correctional services. Under the bill, members of the
3 8 critical incident review team shall be appointed by the
3 9 director of the department of corrections. The members shall
3 10 consist of the following: the director of the department of
3 11 corrections or the director's designee or the director of the
3 12 judicial district department of correctional services or the
3 13 director's designee where the death or serious injury
3 14 occurred; the medical director of the department of
3 15 corrections, or the director's designee; the state medical
3 16 examiner, or the state medical examiner's designee; a mental
3 17 health professional who is knowledgeable about the diagnosis
3 18 and treatment of the mentally ill; a licensed professional who
3 19 is knowledgeable about substance abuse; a law enforcement
3 20 official; a county attorney or assistant county attorney; and
3 21 a representative from the office of the citizens' aide.
3 22 The bill provides that the critical incident review team
3 23 shall have access to any relevant information necessary to
3 24 conduct its review, including confidential information.
3 25 The critical incident review team shall issue a final
3 26 report relating to the death or serious injury with
3 27 recommendations. The final report shall contain specific
3 28 findings and recommendations to prevent future deaths or
3 29 incidents of serious injury similar to the death or injury
3 30 being reviewed. The critical incident review team may issue a
3 31 supplemental report to the final report detailing any steps
3 32 taken by the department or the judicial district department of
3 33 correctional services with respect to the recommendations in
3 34 the final report.
3 35 The bill provides that the critical incident review team
4 1 may disseminate any information contained in the final and
4 2 any subsequent supplemental report, unless the information is
4 3 considered confidential by either federal or state law. The
4 4 final and any subsequent supplemental report shall be released
4 5 to the governor and the general assembly. The director of the
4 6 department may publicly release the final and any supplemental
4 7 report subject to the confidentiality provisions of federal or
4 8 state law.
4 9 LSB 1282DP 81
4 10 jm:rj/sh/8.1